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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Nicholas Alan Timothy COLFORD et al.)	Confirmation No.: 7370
)	
Application No.: 09/934,082)	Group Art Unit: 3727
)	
Filed: August 22, 2001)	Examiner: R.A. Hylton
)	
For (As Amended) : CONTAINER EQUIPPED WITH)	
AT LEAST ONE) DEFORMABLE CLOSURE)	
DEVICE)	

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, **Mail Stop AF**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

AMENDMENT TRANSMITTAL FORM

Sir:

1. Transmitted herewith is an Amendment Under 37 C.F.R. § 1.111 in reply to the Office Action dated 25 June 2004.
2. Additional papers enclosed:
 - ☐ Change of Correspondence Address
 - ☐ Request for Approval of Drawing Change
 - ☐ Transmittal of Drawing Replacement Sheets
 - ☐ Drawing sheets: ___ ☐ Formal ☐ Informal (Correction)
 - ☐ Information Disclosure Statement
 - ☐ Form PTO-1449, _____ reference(s) included
 - ☐ Citations
 - ☐ Declaration of Biological Deposit
 - ☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$225.00
<input checked="" type="checkbox"/> three months	\$1,020.00	\$510.00
<input type="checkbox"/> four months	\$1,590.00	\$795.00

Extension of time fee due with this request: \$1,020.00

If an additional extension of time is required, please consider this a Petition therefore.

- ☐ An extension for _____ months has already been secured and the fee paid therefore of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. § 1.16(c))	14	minus	20	0	x \$50 each =	+ \$ 0.00
Independent Claims (37 C.F.R. § 1.16(b))	1	minus	3	0	x \$200 each =	+ \$ 0.00
[] First presentation of Multiple dependent claim(s)					\$300.00	+ \$ 0.00
SUB-TOTAL =						\$ 0.00
Reduction by ½ for filing by a small entity						- \$ 0.00
TOTAL FEE =						\$ 0.00

6. Fee Payment

[] No fee is to be paid at this time.

[] The Commissioner is hereby authorized to charge \$0.00 to Deposit Account No. 50-0310.

[X] The Commissioner is hereby authorized to charge any additional fees that may be required, including fees due under 37 CFR §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLPDate: 23 December 2004By: Scott J. Anchell

Scott J. Anchell

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**AMENDMENT AND REQUEST FOR
RECONSIDERATION UNDER 37 C.F.R. § 1.116**

Sir:

The Office Action issued 25 June 2004 has been reviewed and the comments of the U.S. Patent and Trademark Office have been considered. Entry of the following amendment is respectfully requested to place the application in clear condition for allowance or, alternatively, in better form for appeal.

The period for replying to the Office Action has been extended three months through 27 December 2004, i.e., the next business day following 25 December 2004 (in accordance with 37 C.F.R. § 1.6(a)).